



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JMM:SK
F. #2013R00948

*610 Federal Plaza
Central Islip, New York 11722*

March 10, 2015

By ECF

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Suite 425
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300 Old Country Road, Suite 341
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Re: United States v. Philip Kenner & Tommy C. Constantine
Criminal Docket No. 13-607 (S-1) (JFB)

Dear Counsel:

Pursuant to Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, the government hereby notifies you that it intends to call Peter Melley to testify as an expert witness at trial.

Mr. Melley is the Director of the Criminal Prosecution Assistance Group at the Financial Industry Regulatory Authority (FINRA). The government previously disclosed to you his curriculum vitae (3500-PM-1) and transcripts of prior testimony (3500-PM-2, 3500-PM-3 and 3500-PM-4), by letter dated February 23, 2015.

In connection with the trial in the above-referenced case, Mr. Melley is expected to testify about the registration, licensing and educational requirements for securities brokers and investment advisors. Specifically, Mr. Melley is expected to testify about the licenses and certifications obtained by defendant Kenner, including the Series 7, Series 63 and Series 65 certifications (see records previously disclosed by letter dated September 2, 2014 and bates-numbered FINRA 1-7). Mr. Melley is

further expected to testify as to the meaning and usage of certain financial terminology.

Please contact me or AUSA James Miskiewicz if you have any questions or requests.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/Saritha Komatireddy
Saritha Komatireddy
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cc: Clerk of the Court (JFB) (by ECF)